

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

In re: BM318,

LLC,

Debtor.

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Chapter 11

Case No. 20-42789-mxm11

TIMOTHY BARTON,

Appellant

v.

**DIXON WATER FOUNDATION,
LUMAR LAND & CATTLE LLC,
CORTNEY C THOMAS, RECEIVER**

Appellees.

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Civ. Act. No. 4:24-cv-863-P

**APPELLANT'S MOTION FOR EXTENSION OF TIME TO FILE RESPONSE TO
JOINT MOTION TO DISMISS APPEAL**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Timothy Barton, Appellant in the above-referenced matter, by and through counsel of record, and respectfully files this Motion for Extension of Time to File his Response to Appellees' Joint Motion to Dismiss the Appeal, and in support thereof states as follows:

I. COMPLIANCE WITH AI DISCLOSURE REQUIREMENT

1. Pursuant to the Northern District of Texas Local Rules, Appellant hereby discloses that artificial intelligence was used to assist in drafting this Motion.

II. BACKGROUND

2. Appellees filed their Joint Motion to Dismiss Appeal on December 3, 2024. On December 4, 2024, Wyatt Alred, a judicial clerk for this Court, communicated by telephone that Appellant's

deadline to respond to the motion was December 24, 2024. Based on this communication, Appellant reasonably understood that the response deadline was December 24, 2024, consistent with guidance from the Court.

3. Subsequently, counsel for Appellees asserted that Federal Rule of Bankruptcy Procedure 8013(a)(1)(A) establishes a seven-day deadline for responses to motions in bankruptcy appeals, which would set the response deadline on December 10, 2024. This apparent conflict between the guidance provided by the judicial clerk and the rule cited by opposing counsel created ambiguity.

III. REQUESTED RELIEF

4. Appellant respectfully requests that the Court grant an extension of 20 days, extending the deadline for filing Appellant's brief on the merits to January 13, 2025. This extension is necessary to ensure a meaningful and substantive response.

IV. GOOD CAUSE FOR EXTENSION

1. Appellant's reliance on the December 24, 2024 deadline, as communicated by the judicial clerk, was reasonable and made in good faith. Additionally, the requested extension accounts for the practical challenges inherent in preparing a thorough response during the holiday season, including scheduling constraints and reduced availability of support resources.

2. This additional time is necessary to ensure that Appellant can fully and meaningfully address the complex legal and procedural issues raised in Appellees' motion. The extension is requested in good faith and not for the purpose of delay.

V. CONFERENCES WITH OPPOSING COUNSEL

5. Appellees oppose the extension request. Their position is detailed in their correspondence, stating the requested extension would unduly delay proceedings. However, Appellant believes the extension is justified and essential for ensuring a fair adjudication of the issues.

VI. NO PREJUDICE

6. Granting the extension will not unduly prejudice Appellees. The extension is requested in good faith and not for purposes of delay.

VII. CONCLUSION AND PRAYER

For the foregoing reasons, Appellant respectfully requests that the Court:

1. Extend the deadline to respond to the Joint Motion to Dismiss Appeal to January 13, 2025; and
2. Grant such other and further relief as the Court deems just and appropriate.

Respectfully submitted,

FARMER & COKER, PLLC

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**COUNSEL FOR APPELLANT
TIMOTHY BARTON**

CERTIFICATE OF CONFERENCE

I hereby certify that on December 20, 2024, I conferred with counsel for Appellees regarding the relief requested in this Motion. Appellees are opposed.

/s/Kaitlyn M. Coker

Kaitlyn Coker

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on December 20, 2024, a true and correct copy of the foregoing document was served via email pursuant to the Court's ECF system upon the parties listed below.

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/s/ Kaitlyn M. Coker
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